THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.19191 of 2006

Dated: 25-09-2006

Between:

Nawab Khaja Mohiuddin Khan and another.

..... PETITIONERS

AND

The Mandal Revenue Officer, Ranga Reddy District and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The two petitioners earlier filed W.P.No.10444 of 2006 seeking a writ of Mandamus declaring the action of the Government of Andhra Pradesh, represented by the District Collector, Ranga Reddy District and the Mandal Revenue Officer (MRO), Shamshabad, in proposing to alienate the land admeasuring Acs.5.17 guntas in survey No.17 situated at Shathamrai Village, Shamshabad, in favour of Andhra Pradesh State Housing Corporation (respondent No.2 herein), Ranga Reddy District under the Scheme of Rajiv Gruha Kalpa for allotment to the persons belonging to weaker sections as illegal and arbitrary. They claimed that they are the general power of attorney holders of the persons claiming share in the Matruka properties of late Nawab Mohi-Ud-Doula (Asman-Jahi-Paiga rulers) and that when MRO issued notice inviting objections for alienation of the land in favour of respondent No.2, petitioner No.2, who is the proprietrix of M/s Anish Constructions filed objections on 23-11-2005 and even before a decision is being rendered, the land is being transferred to respondent No.2. The said writ petition, being W.P.No.10444 of 2006, was disposed of by this Court on 03-07-2006 giving liberty to the petitioners to place all other materials in addition to their objections already raised before MRO and MRO was directed to consider the objections and pass orders. Again the petitioners filed the instant writ petition seeking a writ of Mandamus declaring the action of MRO in not taking any decision on the objections raised by them on 23-11-2005 as illegal and arbitrary. They allege that pursuant to the orders of this Court in W.P.No.10444 of 2006 dated 03-07-2006, they have placed all the objections before MRO on 09-09-2006, but no decision has been taken.

At the stage of admission itself, the learned counsel for respondent No.2 submits that the land in question was handed over to it on

13-09-2006 pursuant to the orders of the Government alienating the property. The learned Assistant Government Pleader for Revenue (General) submits that as per memo dated 13-09-2006 issued by MRO, the request of the petitioners for grant of mutation in respect of the land in survey No.17 was rejected on the ground that the said land is classified as Gairan Sarkari. A copy of said memo issued to M/s Anish Constructions represented by its proprietrix, Smt. Nirmala, petitioner No.2, is also placed before this Court.

The learned counsel for the petitioners submits that the memo produced by the learned Assistant Government Pleader was issued in

respect of the application of the petitioners for mutation in respect of the land in survey No.17 and that the same has nothing to do with the objections filed by them on 23-11-2005 and on 09-09-2006 pursuant to the notice issued by MRO calling for objections while proposing alienation in favour of respondent No.2. Therefore, the learned counsel for the petitioners vehemently contends that the objections raised by the petitioners for alienation of the land in favour of respondent No.2 are still pending.

The petitioners admittedly raised objections with regard to the land in survey No.17 claiming the same as belonging to petitioner No.1, who is legal heir of defendant No.6 in C.S.No.7 of 1958, which was filed for partition in respect of the properties of Asman-Jahi-Paiga rulers. When the land was proposed to be alienated by the Government to respondent No.2, the petitioners raised some objections admittedly enclosing copies of pahanies and sisth receipts. Therefore, when once memo is issued on 13-09-2006 informing that the land is classified as Gairan Sarkari, the request of the petitioners for grant of mutation cannot be considered. This Court is not able to understand that anything could be still pending before MRO with regard to the objections raised by the petitioners for alienation of the land in favour of respondent No.2. It is quite possible and probable that MRO considered both the issues together and issued the memo which is sufficient compliance with the orders of this Court in W.P.No.10444 of 2006 dated 03-07-2006. If the petitioners are aggrieved, it is still open to them to make appropriate application in C.S.No.7 of 1958. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

25th September, 2006
ghn